

November 30, 2005

The Honorable Sandra Beckwith  
 The United States District Court  
 Southern District of Ohio  
 US Courthouse & Potter Stewart Bldg.  
 500 East Main Street  
 Cincinnati, OH 45202

RECEIVED

DEC 5 2005

JAMES BONINI, Clerk  
CINCINNATI, OHIO

Dear Judge Beckwith,

They have just returned me to my unit and I thought I should write this while it was fresh in my mind.

First and most importantly I want to thank you for sending me to a medical facility. Without the new medicines they prescribed, I am not sure what would have happened. Dr. Howard, the chief of the clinic, explained to me that the staph infection here could pose a significant risk for me so she was "against" the surgery. Although I cannot go up steps and my ability to go any distance via walking is severely limited, I think I can tolerate the pain and the nausea until I can get medical treatment on the outside. With the new medicine my chest pains are minimal and further apart. Once I have the operation and I am able to exercise in a moderate fashion, the cardiologist thinks that my heart condition will stabilize. So thank you again for this.

This second part is far more difficult. I am totally befuddled as to why I am not to be sentenced to the 30 months that was agreed to. I'll try to make this as short as possible but I do want to be thorough. As Mr. Weinstein will tell the Court I never

once admitted to the government's allegations. I had instructed him to go forward to trial and anticipated same to occur in December 2003 or January 2004. I said no continuances. In the fall of 2003, Mr. Bernstein visited me in the Detention Center. He said "She (Ms. Brinkman) has become more reasonable in her old age, and offered you 30 months". I have his notes to that effect. Mr. Bernstein in addition has Ms. Brinkman's notes to that effect. At that time my health had slipped drastically. The jail doctor was unable to control my blood pressure or water retention and to put it mildly I wasn't thinking at all clearly. I asked Mr. Bernstein wasn't this a little late for a plea offer since there was only a matter of days until the speedy trial act would expire, per his notes, he replied "I won't lie to you I gave Kathy a continuance". I was mortified. Mr. Bernstein said "Look I've spoke to the Doctor - You're not in good shape I am trying to get you out of there alive. He said let me arrange the meet with her and we'll see if this won't help you. Several days later they brought me to the Courthouse, and again, much to my surprise was a plea document. I told him that day I felt awful this goes completely against my grain but if she could (Brinkman) be trusted, considering my health first, to play with the 30 months I would agree with the proviso that I would not admit any guilt except the one count I was pleading to, or was it two. It might have been two. To that end he crossed out the dollar amount on the agreement. I also asked about the Criminal History which was blank. He said "Look District made

a check, Mr. Brinkman made a check that's all there is - you'll do 30 months and get out with a chance to restore your health. Sign the agreement then we'll see the judge. All during your questioning I kept looking at Mr. Arenstein worrying that this situation wasn't expressly stated. I stopped several times to ask him "is this all right?" I was told that with the guidelines (I had never had any experience with the guidelines) this was the way it worked. When an agent read what he called a "factual account" I was appalled. As soon as I returned to the detention center I wrote you, sending a copy to Mr. Brinkman as well as Mr. Arenstein stating what was the true and accurate accounting of what took place. Sometime later I received a preliminary report (PSO) which I couldn't believe my eyes! A fiction novel bore a closer resemblance to the truth. At that time I made 4 pages of objections. What happened to that I have no idea. I did mail them to Mr. Arenstein. In the meantime, Mr. Arenstein called my son and told ~~me~~ <sup>him</sup> not to worry that the deal would be kept and I would be out in a little while. My health steadily declined. I told Mr. Arenstein that the only reason I took this plea was the offer of 30 months. He said he knew that but that they could see I was in no shape to do anything. I then came here. As I have said, the medicine has helped. I am still not in good shape but at least I have a chance. Now comes this. I was not told of the sentencing until twenty minutes before the conference. I have spoken to Mr. Arenstein once in the past year. I specifically asked him why we didn't have a specific rule 11(e)(1)(C).

I didn't realize that was ~~un~~available until just lately. If everything is above board then that shouldn't be a problem. I received no answer. Throughout this ordeal I have repeatedly said, and Judge I mean from the first day on, if she (Brinkman) is not going to keep her word then please withdraw the plea and we'll go to trial. Over and over again I was told don't worry. My son was also told this. This afternoon for the first time, Mr. Brenstein informed me that my 30 months was not to be. He referred to some final PBO which I have never seen.

Your Honor, I recognize, better than anyone that my mind has not worked well over the last 18 months or so however I am not stupid. The probation department could only get this additional, unknown (I'm really not sure what they're talking about) from the US Attorney's office and their investigative agencies. You had my first letter of the facts of this case long before there was ever any Bork case.

I am asking here for the government to keep its word. I understand Mr. Brinkman is gone but that doesn't relieve the government from its promise. Your Honor, they are doing precisely what it is that they are accusing me of. If they can't keep their word as I have stated from the first day I wish to withdraw my plea.

Sincerely

Paul H. Bork